

Appln. No. 09/972,749
Reply to Office Action mailed June 5, 2006
Amendment filed September 28, 2006

REMARKS

Claims 1-21 are pending in the Application. All of claims 1-21 were rejected in the Office action of June 5, 2006. Claims 1, 4, 9, 10, 11 and 15-21 are amended, and new claims 22-27 are added by this amendment. Claims 1, 10, 15 and 22 are independent claims. Claims 2-9, 11-14, 16-21 and 23-27 depend either directly or indirectly from independent claims 1, 10, 15 and 22, respectively. The Applicants request reconsideration of the pending claims 1-21, and consideration of new claims 22-27, in light of the following remarks.

Amendments to the Claims

Claims 1, 4, 9, 10, 11 and 15-21 have been amended to more clearly define the claimed subject matter, and to correct noted minor typographical errors. The Applicants respectfully submit that no new matter has been added by these amendments.

Rejections of Claims

Claims 1-4, 15 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg (US 4,850,032) in view of Shimada (US 4,866,667). The Applicants respectfully traverse the rejection. However, in an effort to further the Application towards allowance, Applicants have amended claims 1 and 15.

With regard to an obviousness rejection, MPEP 2142 states that in order for a *prima facie* case of obviousness to be established, three basic criteria must be met, one of which is that the reference or combination of references must teach or suggest all the claim limitations. Further, MPEP 2143.01 states that “the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination”, and that “although a prior art device ‘may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so’” (citing *In re Mills*, 916 F. 2d 680, 16 USPQ 2d 1430 (Fed Cir. 1990)). Moreover, MPEP

2143.01 also states that the level of ordinary skill in the art cannot be relied upon to provide the suggestion...,” citing Al-Site Corp. v. VSI Int’l Inc., 174 F. 3d 1308, 50 USPQ 2d. 1161 (Fed Cir. 1999).

Regarding amended claims 1 and 15, the Applicants submit that the proposed combination of references does not teach, suggest, or disclose, for example, “...a network controller intercommunicative between the base transceiver units and one or more host computers for data interchange therebetween, having at least one port, wherein each of the at least one port communicates using a selected one of a plurality of different electrical interface standards, and providing software-controllable selection of the one of the plurality of different electrical interface standards for communication using said at least one port, based upon user input...”, as recited in amended claim 1; and “...said network controller member selectively operable with said data processor over the one of said communication ports, the one of said communication ports being software configurable to communicate using a user selectable one of a plurality of different electrical interface standards, based upon user input to said network controller member...”, as recited in amended claim 15. The Applicants appreciate recognition in the Office action that Freeburg does not specifically disclose providing selection of one of a plurality of electrical interface standards for communicating using said port based upon a user input. (Office action page 3, lines 12-14) The Office action attempts to remedy the shortcomings of the Freeburg reference by alleging that Shimada discloses providing selection of one of a plurality of electrical interface standards for communicating using said port means based upon a user input. (page 3, lines 14-16) The Applicants disagree with the characterization. The Applicants respectfully submit that the proposed combination of Freeburg and Shimada fails to teach, at least, “...wherein each of the at least one port communicates using a selected one of a plurality of different electrical interface standards, and providing software-controllable selection of the one of the plurality of different electrical interface standards for communication using said at least one port, based upon user input ...”, as recited in Applicants’ claim 1; and “...the one of said communication ports being software configurable to communicate using a user selectable one of a plurality of different electrical interface standards, based upon user input to said network

controller member...”, as recited in Applicants’ claim 15. Instead, Shimada teaches a selector box adapted to be connected between a first terminal that comprises an RS232C interface, and a plurality N of second terminals, each of which also includes an RS232C interface. Shimada teaches selectively connecting a host side terminal (24 of Fig. 2) to one of a plurality of channel circuits (20-23 of Fig. 2). (col. 4, lines 18-46) Applicants respectfully submit that Shimada does not teach “...wherein each of the at least one port communicates using a selected one of a plurality of different electrical interface standards, and providing software-controllable selection of the one of the plurality of different electrical interface standards for communication using said at least one port, based upon user input ...”, as recited in Applicants’ claim 1; and “...the one of said communication ports being software configurable to communicate using a user selectable one of a plurality of different electrical interface standards, based upon user input to said network controller member...”, as recited in Applicants’ claim 15. Shimada teaches only one electrical interface standard for communicating using said port, namely RS232C. All of channel circuits 20-23 of Fig. 2 employ the same RS232C electrical interface standard. (col. 6, lines 58-62) Shimada fails to teach the channel circuits communicating using any electrical interface standards other than RS232C, and therefore fails to teach a plurality of different electrical interface standards for communicating using a port. Shimada also fails to teach anything with respect to selection of the electrical interface standard used by the channel circuits 20-23, based upon user input. As recognized by the Examiner, Freeburg is silent with respect to providing selection of one a plurality of electrical interface standards, and limits discussion to RS232 interfaces. Freeburg fails to disclose a means for user input for selection of an electrical interface standard. Instead, Freeburg merely discloses a data communication system having a network control processor with RS232 interfaces. (See Freeburg, e.g., FIG. 1 and 2, and respective text). The Applicants respectfully submit that, for at least these reasons, the proposed combination of Freeburg and Shimada fails to teach or suggest all of the limitations recited in Applicants amended claims 1 and 15, and that a rejection of claims 1 and 15 under 35 U.S.C. §103(a) cannot be maintained.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that amended claims 1 and 15 are allowable over the proposed combination of Freeburg and Shimada. Applicants respectfully submit that claims 1 and 15 are independent claims. Because claims 2 - 9 and 16-21 depend either directly or indirectly from claims 1 and 15, respectfully, Applicants respectfully submit that claims 2 - 9 and 16-21 are allowable over the proposed combination of references, as well. Therefore, the Applicants respectfully request that the rejection of claims 1-4, 15 and 19 under 35 U.S.C. §103(a), be withdrawn.

Claims 5 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg in view of Shimada as applied to claim 4 above, and further in view of Fadem (US 5,090,013). The Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 5 and 8 depend indirectly from independent claim 1. Applicants believe that independent claim 1 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Freeburg and Shimada, as set forth above. Because claims 5 and 8 depend from claim 1, the Applicants respectfully submit that dependent claims 5 and 8 are allowable over the proposed combination of references, as well, for at least the reasons set forth above with respect to claim 1. Therefore, the Applicants respectfully request that the rejection of claims 5 and 8 under 35 U.S.C. 103(a) be withdrawn.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg in view of Shimada as applied to claim 1 above, and further in view of Gilhousen et al. (US 5,109,390, hereinafter “Gilhousen”). The Applicants respectfully traverse the rejection. Applicants respectfully submit that claim 6 depends from independent claim 1. Applicants believe that independent claim 1 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Freeburg and Shimada, as set forth above. Because claim 6 depends from claim 1, the Applicants respectfully

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submit that dependent claim 6 is allowable over the proposed combination of references, for at least the reasons set forth above with respect to claim 1. Therefore, the Applicants respectfully request that the rejection of claim 6 under 35 U.S.C. 103(a) be withdrawn.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg in view of Shimada as applied to claim 1 above, and further in view of Ide et al. (US 4,739,288, hereinafter “Ide”). The Applicants respectfully traverse the rejection. Applicants respectfully submit that claim 7 depends from independent claim 1. Applicants believe that independent claim 1 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Freeburg and Shimada as set forth above. Because claim 7 depends from claim 1, the Applicants respectfully submit that dependent claim 7 is allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 1. Therefore, the Applicants respectfully request that the rejection of claim 7 under 35 U.S.C. 103(a) be withdrawn.

Claims 9 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg in view of Shimada as applied to claims 1 and 15 above, and further in view of Duis (GB 2288249A) and Lubarsky et al. (US 4,841,437, hereinafter “Lubarsky”). The Applicants respectfully traverse the rejection. Applicants respectfully submit that amended claims 9 and 21 depend from independent claims 1 and 15, respectively. Applicants believe that independent claims 1 and 15 are allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Freeburg and Shimada, as set forth above. Because claims 9 and 21 depend, respectively, from claims 1 and 15, the Applicants respectfully submit that dependent claims 9 and 21 are allowable over the proposed combination of references, for at least the reasons set forth above with respect to claims 1 and 15,

respectively. Therefore, the Applicants respectfully request that the rejection of claims 9 and 21 under 35 U.S.C. 103(a) be withdrawn.

Claims 10 and 12-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg in view of Duis and further in view of Shimada. The Applicants respectfully traverse the rejection.

Regarding amended claim 10, the Applicants respectfully submit the proposed combination of references does not teach, suggest, or disclose, for example, in a data communication system having a multiplicity of mobile portable transceiver units communicative by radio means with base transceiver units, an apparatus for data interchange between said base transceiver units and a host computer comprising a housing having a multiplicity of communication ports thereon; at least three of said communication ports each selectively controllable to provide data interchange using an electrical interface standard selected from a plurality of electrical interface standards comprising an RS232 electrical interface standard and at least one non-RS232 electrical interface standard, based upon user input; and at least two of said communication ports each selectively controllable to provide data interchange using an electrical interface standard selected from a plurality of electrical interface standards comprising an RS422 electrical interface standard and at least one non-422 electrical interface standard, based upon user input. The Applicants appreciate recognition in the Office action that Freeburg does not specifically disclose at least three of the communication ports selectively controllable to provide interchange using an RS422 electrical interface standard and based upon a user input. (Office action, page 7, lines 2-5) The Applicants also appreciate recognition in the Office action that the combination of Freeburg and Duis fail to disclose providing selection of one of a plurality of electrical interface standards for communicating using said port means based upon a user input. (Office action, page 7, lines 9-12) However, in an effort to overcome the deficiencies of Freeburg and Duis, the Office action alleges that Shimada discloses providing selection of one of a plurality of electrical interface standards for communicating using port means based upon

user input. (Office action, page 7, lines 12-14) The Applicants disagree with the characterization. Instead, Shimada teaches a selector box adapted to be connected between a first terminal that comprises an RS232C interface, and a plurality N of second terminals, each of which also includes an RS232C interface. Shimada teaches selectively connecting a host side terminal (24 of Fig. 2) to one of a plurality of channel circuits (20-23 of Fig. 2), and does not teach selection of one of a plurality of electrical interface standards for communicating using a port. (col. 4, lines 18-46) Shimada teaches only one electrical interface standard for communicating using said port means, namely RS232C. All of channel circuits 20-23 of Fig. 2 employ the same RS232C electrical interface standard. (col. 6, lines 58-62) Shimada fails to teach the channel circuits communicating using any electrical interface standards other than RS232C, and therefore fails to teach "...communication ports each selectively controllable to provide data interchange using an electrical interface standard selected from a plurality of electrical interface standards comprising an RS232 electrical interface standard and at least one non-RS232 electrical interface standard, based upon user input...", and "...communication ports each selectively controllable to provide data interchange using an electrical interface standard selected from a plurality of electrical interface standards comprising an RS422 electrical interface standard and at least one non-422 electrical interface standard, based upon user input...", as recited in Applicants' claim 10. Shimada fails to teach anything with respect to selection of the electrical interface standard used by the channel circuits 20-23. Freeburg and Duis also fail to teach anything with respect to the selection of an electrical interface standard based on user input.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that amended claim 10 is allowable over the proposed combination of Freeburg, Duis and Shimada. Applicants respectfully submit that claim 10 is an independent claim. Because claims 11-14 depend from claim 10, Applicants respectfully submit that claims 11-14 are allowable over the proposed combination of references, as well. Therefore, the Applicants respectfully request that the rejection of claims 10 and 12 - 14 under 35 U.S.C. §103(a), be withdrawn.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg in view of Duis and Shimada and further in view of Lubarsky. The Applicants respectfully traverse the rejection. Applicants respectfully submit that amended claim 11 depends from independent claim 10. Applicants believe that independent claim 10 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Freeburg, Duis and Shimada, as set forth above. Because claim 11 depends from claim 10, the Applicants respectfully submit that dependent claim 11 is allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 10. Therefore, the Applicants respectfully request that the rejection of claim 11 under 35 U.S.C. 103(a) be withdrawn.

Claims 16 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg in view of Shimada and further in view of Alvarez, III et al. (US 4,332,026, hereinafter “Alvarez”). The Applicants respectfully traverse the rejection. Applicants respectfully submit that amended claims 16 and 20 depend from independent claim 15. Applicants believe that independent claim 15 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Freeburg and Shimada, as set forth above. Because claims 16 and 20 depend from claim 15, the Applicants respectfully submit that dependent claims 16 and 20 are allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 15. Therefore, the Applicants respectfully request that the rejection of claims 16 and 20 under 35 U.S.C. 103(a) be withdrawn.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg in view of Shimada and further in view of Sasuta et al. (US 4,698,805, hereinafter “Sasuta”). The Applicants respectfully traverse the rejection. Applicants respectfully submit that amended

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claim 17 depends from independent claim 15. Applicants believe that independent claim 15 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Freeburg and Shimada, as set forth above. Because claim 17 depends from claim 15, the Applicants respectfully submit that dependent claim 17 is allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 15. Therefore, the Applicants respectfully request that the rejection of claim 17 under 35 U.S.C. 103(a) be withdrawn.

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg in view of Shimada and further in view of Saito et al. (US 5,019,966, hereinafter “Saito”). The Applicants respectfully traverse the rejection. Applicants respectfully submit that amended claim 18 depends from independent claim 15. Applicants believe that independent claim 15 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Freeburg and Shimada, as set forth above. Because claim 18 depends from claim 15, the Applicants respectfully submit that dependent claim 18 is allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 15. Therefore, the Applicants respectfully request that the rejection of claim 18 under 35 U.S.C. 103(a) be withdrawn.

Newly Added Claims

Applicants have added new claims 22-27 which are similar in may respects to claims 1-21. Claim 22 is an independent claim, while claims 23-27 depend from claim 22. Applicants respectfully submit that new claims 22-27 do not add new matter.

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Conclusion

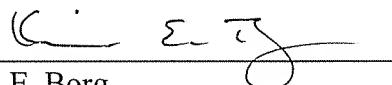
The Applicants believe that all of claims 1-27 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

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